

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 269/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 27.11.2019 between Azure Power Maple Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Maple Private Limited (APMPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and Anr.

Petition No. 267/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 17.9.2019 between Azure Power Forty-One Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Forty-One Private Limited (APFOPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Petition No. 268/MP/2022

Subject : Petition under Section 79 of the Electricity Act, 2003 for seeking an appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5 % to 12% by way of Notification No.8/2021-Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreement dated 31.10.2018 between Azure Power Forty Three Private Limited and Solar Energy Corporation of India Limited.

Petitioner : Azure Power Forty Three Private Limited (APFTPL)

Respondents : Solar Energy Corporation of India Limited (SECI) and 2 Ors.

Date of Hearing : 7.3.2023

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member



Parties Present : Ms. Mannat Warich, Advocate, APMPL, APFOPL & APFTPL
Shri Aneesh Bajaj, Advocate, SECI
Ms. Srishti Khindaria, Advocate, SECI
Ms. Surbhi Kapoor, Advocate, SECI
Ms. Anushree Bardhan, Advocate, SECI

Record of Proceedings

Learned counsel for the Petitioners submitted that the present petitions have been filed seeking appropriate adjustment/ compensation to offset financial/ commercial impact of Change in Law events on account of increase in the rate of goods and services tax from 5% to 12% by way of Notification No.8/2021- Central Tax (rate) dated 30.9.2021, in terms of Article 12 of the Power Purchase Agreements dated 27.11.2019, 17.9.2019 & 31.10.2018 entered into between the Petitioners and SECI.

2. In response to the specific query of the Commission with regard to the Scheduled Commissioning Date (SCD) & Commercial Operational Date (COD) of the Projects in these matters and applicability of the claimed Change in Law event which came into effect w.e.f.1.10.2021, learned counsel for the Petitioners sought liberty to place the above aspects by an additional affidavit.

3. The representative of the Respondent, SECI submitted that the Petitioners be directed to ensure that SECI is mapped as Respondents in these matters on e-filing portal of the Commission.

4. After hearing the learned counsel for the Petitioners, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioners to ensure that the Respondents are mapped on e-filing portal. The Respondents to file their reply to the Petition within four weeks after serving copy of the same to the Petitioners who may file their rejoinder within three weeks thereafter.

(c) The Petitioners to file their additional affidavit indicating the SCD, COD of the Projects and the impact of the claimed Change in Law which came into effect from 1.10.2021.

(d) Parties to comply with the above direction within the specified timelines and no extension of time shall be granted.

5. The Petitions shall be listed for hearing on 13.6.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**

